



City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3010572
Applicant Name: Ronald Meckler for Clearwire
Address of Proposal: 3101 1st Ave

SUMMARY OF PROPOSED ACTION

Land Use Application to allow a minor communications utility (Clearwire) consisting of three panel antennas, one microwave antenna, and one equipment cabinet, all to be located on the rooftop of an existing building.

The following approvals are required:

SEPA - Environmental Determination pursuant to SMC [25.05](#).

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site Location and Description

Development on the site consists of a six-story mixed use building with a flat roof. The building is about 60' tall as measured from existing grade to the top of the parapet.

Surrounding Zoning

The project is located in a Downtown Mixed Commercial zone with a base height limit of 65 feet (DMC-65). To the southeast and southwest of the site, the zoning is also DMC-65. To the south, the zoning is Downtown Mixed Residential, with varying height limits. Across Denny Way to the north, the zoning transitions to Neighborhood Commercial 3 with a 65-foot height limit (NC3-65). To the northwest is a Commercial 2 zone with a 40-foot base height limit (C2-40). Nearby development largely reflects its zoning, though several properties are occupied by one- and two-story structures, suggesting that redevelopment over time is likely.

Proposal Description

The proposed project includes installation of a new minor communication facility for Clearwire. The proposed facility will consist of three panel antennas, a microwave dish and an equipment cabinet, all to be located on the rooftop of the existing mixed use structure. Antennae are to be mounted within sloped screen enclosures, and shrouds are to be painted and textured to match the existing rooftop penthouse.

Public Comments

Public notice of this proposal was issued on October 29, 2009. DPD received no comment letters.

SEPA ANALYSIS

The initial disclosure of the potential impacts from this project was made in the annotated environmental checklist (signed October 20, 2009), and supplemental information in the project file submitted by the applicant's agent. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

DPD received no comment letters in response to the MUP application.

The SEPA Overview Policy (SMC [25.05.665 D](#)) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC [25.05.665 D](#)) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary or construction-related impacts are expected: increased noise and vibration from construction operations and equipment; and increased traffic and parking demand from construction personnel. These impacts are not considered significant because they are temporary and/or minor in scope.

Compliance with existing ordinances (such as the Noise Ordinance) will provide sufficient mitigation for most impacts. The other impacts not noted here as mitigated by codes or conditions are not sufficiently adverse to warrant further mitigation by conditioning. These impacts are not considered significant; however some of the impacts warrant further discussion and review.

Construction Impacts

Construction activities include construction worker commutes, truck trips, the operation of construction equipment and machinery, and the manufacture of the construction materials. These activities themselves result in increases in carbon dioxide and other greenhouse gas emissions

which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

Noise

Noise associated with construction of the telecommunication utility equipment could adversely affect the surrounding residential uses. However, the site is located in a highly urbanized area, adjacent to busy arterials, and ambient noise levels are relatively high. The construction timeframe is short, and any noise impacts to residents of the existing building would therefore be limited. No further mitigation is warranted in this regard.

Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased bulk and scale on the site; increased traffic in the area; and increased demand for utilities.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these include the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long term impacts and no further conditioning is warranted by SEPA policies.

Environmental Health

Operational activities, primarily vehicular trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project and do not warrant mitigation under SEPA.

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC [25.05.665](#)).

The applicant has submitted a "Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility" and an accompanying "Affidavit of Qualification and Certification" for this proposed facility giving the calculations of radiofrequency power density at antenna and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with SMC [25.10.300](#), which contains Electromagnetic Radiation standards. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established

by the Federal Communications Commission (FCC) and therefore do not warrant any conditioning to mitigate for adverse impacts.

Height, Bulk and Scale

There will be increased height and bulk of antennas and screening structures on site. The proposed antennas are to be screened, and application materials include a photo-montage which shows the entire envelope of the antennas and screening. As demonstrated by the montage, the proposal's visual impact will be negligible. The proposed development is allowed in this zone and no additional height, bulk, or scale SEPA mitigation is warranted.

Summary

The Department of Planning and Development has reviewed the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file. As indicated in the checklist and this analysis, this action will result in probable adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

DECISION - SEPA

This decision was made after review of a completed environmental checklist and other information on file with the responsible department and by the responsible official on behalf of the lead agency. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2)(C).
- [] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS – SEPA

None.

Signature: _____ (signature on file) Date: December 21, 2009
Scott Ringgold, Land Use Planner
Department of Planning and Development

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